

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS ANDREW CENSKE,  
Plaintiff,

Case No. 1:07-cv-691

-v-

HONORABLE PAUL L. MALONEY

WILLIE O. SMITH et al.,  
Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Plaintiff Censke filed a motion for reconsideration under Local Rule 7.4. (Dkt. No. 15). Plaintiff requests this Court reconsider the order denying him leave to proceed *in forma pauperis* (IFP). (Dkt. No. 13). On September 4, 2007, this Court denied Plaintiff's motion to proceed IFP because plaintiff has "three strikes" under 28 U.S.C. § 1915(g). This Court found Plaintiff's allegations did not fall within an exception to the three strikes rule. Specifically, this Court held Plaintiff did not establish he is under an imminent danger of physical injury.

Under the Local Rules of Civil Procedure for the Western District of Michigan, a court may grant a motion for reconsideration when the moving party demonstrates both a "palpable defect" by which the Court and parties have been misled and a showing that a different disposition of the case must result from the correction of the mistake. W.D. MICH. L. R. CIV. P. 7.4(a). The gist of Plaintiff's position is that this Court failed to view the facts alleged in his complaint as true, misconstrued facts in the record, and erred in the legal analysis of pleading an imminent injury.

Upon review of Plaintiff's motion for reconsideration, this Court finds no palpable error was made in denying Plaintiff's motion to proceed IFP. Assuming, for the sake of argument only, that this Court misconstrued the facts, Plaintiff has not demonstrated that correcting those mistakes requires a different outcome. Plaintiff has not pleaded an imminent injury assuming, as he alleges this Court erred, (1) he suffers from a mental illness, (2) the MDOC did not do laundry for several weeks and did not change sheets for six weeks, (3) he was housed naked for six weeks in 2006, and (4) cleaning supplies were not provided when toilets backed up. This Court finds no error in the legal analysis of the sufficiency of pleading an imminent injury.

Accordingly, Plaintiff's motion for reconsideration (Dkt. No. 15) is **DENIED. IT IS SO ORDERED.**

Date: October 3, 2007

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge